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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

THAILAND

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Foreword

This report is the first to be submitted to the Secretary-General of the United Nations for examination by the Committee on Elimination of Discrimination against Women since the signing by Thailand of the Convention for the Elimination of All Forms of Discrimination against Women.

The structure of this document is as follows. An overview of women's status will be given, followed by specific references to domestic laws and practices by analogy with the provisions of the Convention. Problems concerning implementation of the Convention will be pinpointed with a view to finding suitable solutions and palliatives for the future. Statistics will be provided where possible, but it will not possible to cover every issue in detail, especially from the perspective of up-to-date statistics. The situation presented is that of April 1987.

National Committee for International Co-operation
National Commission on Women's Affairs.

INTRODUCTION

A.General Information

Thailand is an Asian country. It is situated in South-east Asia, and its proud history includes the fact that it has never been colonised. The country's capital is Bangkok.

The current population is about 52 million. The statistics for the male and female population are as follows:(approximately for April 1987)

male:	26,400,000
female:	26,110,000

Before the Second World War, there were some initiatives to eradicate discrimination against women. However, in the rather male-oriented and patriarchal society, women were admittedly disadvantaged whether in law or in practice. One of the early initiatives to overcome this lacuna resulted from the change from absolute monarchy to constitutional monarchy in 1932. As a corollary, Thai women were granted the right to vote. However, as will be seen later, the role of women in Thai politics has been very limited until now.

After the Second World War, greater interest in women's development at the international level influenced Thailand to elevate the status of women within the country. Present national development planning, which is influenced by the Forward-looking Strategies for the Advancement of Women approved at the World Conference to review and appraise the Achievements of the United Nations Decade for Women 1985, has a specific policy on women's development. Elimination of discrimination against women is an intrinsic part of this policy.

On the legal front, it may be generalised that there are few laws that discriminate against women, but the practice is more elusive. It should be noted that there have been various reforms that have improved th status of women in recent years. In 1974, the Thai Constitution stated explicitly for the first time in Section 28 that men and women have equal rights. Although the present Constitution of 1978 merely states that everyone is equal before the law without explicitly using the terms "men" and "women", it is understood that men and women have equal rights as propounded by the earlier constitution. As a result of the equal rights Section of the 1974 Constitution,

several laws discriminating against women, have been repealed, e.g. Ministry of Interior Regulations prohibiting women from becoming public prosecutors, and Ministry of Justice Regulations prohibiting women from becoming judges. As will be seen later, there are actually few laws which discriminate against women in Thailand today.

With respect to Thailand and the United Nations, it is evident that when the United Nations declared 1975 as the International Women's Year and 1976-1985 as the United Nations Decade for Women, Thailand was one of the supporters of the idea. The Government established a National Executive Committee to implement the objectives of the International Women's Year on the homefront. Moreover, a Thai delegation was sent to participate in the World Conference on Women's Development in Mexico in 1975, in Denmark in 1980, and in Kenya in 1985.

Collateral to the above, in 1987 a task force was constituted under the National Economic and Social Development Board (NESDB), the main body concerned with national development planning, to appraise the status of Thai women and to prepare a long-term plan. A twenty-year plan on women's development was completed by this task force in 1981 and it complements other five year national development plans prepared by the NESDB. Moreover, at the time of the establishment of the task force, a section for women's affairs was set up at the NESDB. This was followed by the appointment of a National Commission on Women's Affairs. At present, the latter is the primary coordinating organ at the national level to promote women's development and is chaired by the Deputy Prime Minister. International links are fostered, in particular, by a committee established under this Commission. The committee is known as the National Committee for International Cooperation, and it is responsible for the preparation of the current report.

It should be noted further that there is at present great interest in women's development in Thailand beyond governmental organs. There are various non-governmental organisations advancing women's development, including the Thai National Council of Women, the Thai Council on Social Welfare, the Association for the Promotion of the Status of Women, the Thai Girl Guides Association and The 'Friends of Women' Group.

B.Background to the Signing of the Convention

Thailand signed the Convention on 9 August 1985. It should be noted that in Thai Law, for a treaty to be binding domestically, there must be domestic legislation to bring the treaty into force at the local level. In other words, prior to ratification of the Convention, the Thai Parliament's approval will have to be sought, and upon ratification, domestic law will have to be enacted to apply the provisions of the Convention in Thailand. Currently, ratification is awaited, as well as concomitant local legislation to enforce the Convention.

At the time of accession to the Convention, the following Declaration was made:

> "The Royal Thai Government wishes to express its understanding that the purposes of the Convention are to eliminate discrimination against women and to accord to every person, men and women alike, equality before the law, and are in accordance with the principles prescribed by the Constitution of the Kingdom of Thailand."

The Thai Government also made the following reservations:

> "1. In all matters which concern national security, maintenance of public order and service or employment in the military or paramilitary forces, the Royal Thai Government reserves its right to apply the provisions of the Convention on the Elimination of all Forms of Elimination of Discrimination against Women in particular Articles 7 and 10 only within the limits established by national laws, regulations and practices.
>
> 2. With regard to Article 9, paragraph 2 and Article 11, paragraph 1(b) as far as night work of women and special protection of working women are concerned, the Royal Thai Government considers that application of the said provisions shall be subject to the limits and criteria established by national laws, regulations and practices.
>
> 3. The Royal Thai Government does not consider itself bound by the provisions of Article 15, paragraph 3, Article 16 and Article 29, paragraph 1, of the Convention."

These provisions to which Thailand has entered reservations will be given in extenso later on. Suffice it to note here that Thailand has not agreed to be bound by the following provisions:

- the provision that stipulates non-discrimination in regard to public office and public function at all levels of government
- the provision that stipulates non-discrimination in regard to access to education
- the provision that stipulates that women shall have equal rights with men with respect to the nationality of their children
- the provision that stipulates the same opportunities in employment for men and women
- the provision that stipulates that contracts restricting the legal capacity for women shall be void
- the provision that stipulates equal rights for men and women with respect to marital matters
- the provision that confers jurisdiction upon the International Court of Justice to deal with disputes concerning the Convention.

These reservations indicate that in terms of approach, international principles are subjected to considerations of existing national laws and practices. How to ensure consistency between them in future remains a constant challenge.

Article 1

> For the purpose of the present Convention, the term "discrimination against women" shall mean any discrimination, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

As has been stated, the present Constitution states that all are equal before the law, implying an element of non-discrimination

between the sexes. However, it should be noted that Thailand has entered certain reservations mentioned earlier, which may mean that in these instances, non-discrimination is not necessarily the norm. Moreover, it may be said that there is no national definition of 'discrimination', while there is no legislation equivalent to Anti--Sex Discrimination legislation as in other countries. Collateral to this, all rights stipulated in the Constitution are subject to considerations of national security. The general perspective is that such rights are to be exercised in accordance with the law, implying national law.

It remains to be seen to what extent a more international outlook will come into being upon enactment of local legislation to implement the Convention. A pause for thought will also be necessary on the question of 'discrimination' and an appropriate definition related thereto at the national level.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end undertake:
a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, though law and other appropriate means, the practical realization of this principle;
b) To adopt appropriate legislative and other measures, including sanctions, where appropriate, abolishing all discrimination against women;
c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

> f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
> g) To repeal all national penal provisions which constitute discrimination against women.

This raises various issues related to the Thai Constitution, Thai laws and practices, and measures to overcome discrimination in practice.

It has already been stated that although the 1974 Constitution provided specifically for equality between 'men' and 'women', the current Constitution of 1978 merely refers to equality for all 'persons' (Section 22). Although some would prefer express use of the term 'women' in regard to equality between the sexes, this is absent from the current Constitution. However, despite this absence, it may be presumed that the Constitution recognises equality between the sexes.

Two clear instances where discriminatory laws have been repealed in recent years concern the Ministry of Interior and the Ministry of Justice. As a result of the equality between men and women clause in the 1974 Constitution, these elements of discrimination were eliminated: Ministry of Interior Regulations prohibiting women from becoming public prosecutors and Ministry of Justice Regulations prohibiting women from becoming judges. However, no other reforms related to elimination of sex discrimination have yet taken place since Thailand's accession to the Convention. There is still no specific law stipulating measures against sex discrimination. It is thus difficult to supervise against de facto discrimination. Likewise, it may be said that the judiciary has not played a significant role in applying sanctions against such discrimination so far.

However, there are numerous laws that promote women's welfare either directly or indirectly, even though they do not deal specifically with discrimination. This includes many provisions of the Criminal Code, as amended in recent years, which bear upon the plight of women in disadvantaged circumstances. For example, there are various provisions against sexual assault and abduction of girls of thirteen years of age and below, as found in Sections 277, 278, 279, 282, 283, 313, 317, 318 and 319. 'Consent' on the part of the girls involved in no defence to these crimes, if they are not more than thirteen years old. There are currently

attempts to raise the minimum age to fourteen so as to confer more protection on this group.

On another front, there is the relevance of national development planning which is instrumental in channelling resources to women and foster more equality through the process of human resource development. This will be dealt with in the next section.

Article 3

> States parties shall take in all fields and in particular in the political, social, economic and cultural fields all appropriate measures including legislation to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

As has been noted, there is as yet no national law implementing the Convention, because accession to this Convention awaits approval by the National Parliament prior to ratification. If such ratification does then take place, further legislation will be required at the national level to implement the Convention.

Pending such action, it is encouraging to find several trends which complement the legislative quest to promote women's development. The most important of these trends is development planning which conditions the national policy towards women.

National policy and planning on women's development are very much bound by what is known as the National Economic and Social Development Plan, drawn up by the National Economic and Social Development Board (NESDB). Each plan is of five years' duration and currently, the Sixth Plan (1987-91) has started.

Although there were some references to women's development previous plans, it was the Fifth Plan (1982-86) that took up the issue of women's development substantively. The Fifth Plan recognised four main problems relating to women, i.e.

a. use of female labour, especially the disquieting fact that 41.9 % of the female work force were employed in

agriculture and that these women had a low level of education.

b. education, especially the fact that the illiteracy rate was more prevalent among women

c. public health, especially protein calorie malnutrition among mothers during pregnancy and family planning matters

d. social and political aspects, especially

- the belief among employers that men are more productive than women, thus leading to more pay for men and less pay for women
- family and society attitudes that sons should be given more opportunities than daughters
- insufficiency of health care services provided by the Government
- insufficient knowledge on health and nutrition
- insufficient participation of women in the promotion of arts and cultural activities
- insufficient opportunities for women to participate in political and administrative affairs and management
- lack of agency responsible for coordinating and promoting women's activities

The Fifth Plan laid down specific measures to tackle these problems as follows:

a. Labour

- promotion of basic education and career training for urban and rural women
- promotion of training of personnel to work in rural areas
- increase of incentives for working women, linked with integrated farming of agricultural products
- revision of unjust labour laws and strict law enforcement
- improvement of welfare services

b. Education

- promotion of women's right to formal and non-formal education

- dissemination of information through the mass media
- development of morality, initiatives and spirit of leadership in women
- training of women on labour laws and development of skills
- promotion of non-governmental action

c. Public Health

- promotion of free health services
- promotion of knowledge on nutrition
- provision of training for public health personnel and housewives' groups on maternal and child care and family planning
- promotion of male sterilisation

d. Political and Administrative Matters

- promotion of women's participation at all levels of administration
- creation of leadership among women
- revision of discriminatory laws
- establishment of a secretariat to assist in formulation of women's development policies and data collection

The said Fifth Plan has now ended, and the Sixth Plan (1987-91) has now begun. Before analysing details concerning the latter, one should bear in mind the existence of another plan which has influenced both these plans. This plan is known as the Twenty Year Long Term Women's Development Plan (1982-2001).

Because this Twenty Year Plan is specifically aimed at women's development as its objective, it is more detailed than the sections on women's development in the Fifth and Sixth Plans which encompass other issues beyond women's development. Although there is overlap between all the plans, the Twenty Year Plan's more detailed structure singles out various female groups for special consideration beyond the other plans, i.e.

- agricultural women
- non-agricultural women
- women officials and State enterprises
- women workers
- Buddhist nuns

- certain types of service women
- imprisoned women

The Twenty Year Plan establishes principal targets to be achieved in the next twenty years based upon quantitative criteria as follows: inter alia

a) to provide women with knowledge, public health services and family planning to lead to the following rates:
   - still birth at delivery 1:1,000 persons (child's death before delivery)
   - child's death at delivery 15:1,000 persons (child's death after delivery)
   - mother's death at delivery 0.8:1,000 persons
b) to ensure that all women under 35 have compulsory education, while at least 80 % of those between 35-45 must have adult education by the end of the period.
c) to encourage at least 30 % women's participation in local development committees and administration.
d) to encourage political parties to nominate at least 30 % women's participation for election.
e) to encourage at least 30 % women's participation in executive and policy-making offices at the national level.

The Twenty Year Plan has a specific section on legal measures to promote women's development, e.g. reform of Section 305 of the Criminal Code on abortion; widening grounds for divorce; and imposing stricter sentences on pimps who profit from prostitutes. Moreover, the Twenty Year Plan provides a series of indicators which may be used for formulation of policy, e.g. on population status; women's role in work-force; women's education; women's role in religion, art and culture; women's health; women's role in the family; and women's role in politics, administration, education and social organisation.

The Sixth Plan has been much influenced by the Twenty Year Plan. Indeed, it stipulates expressly that it should follow the Twenty Year Plan. Its policies include the following:

- promote women's development, especially women in 'backward rural areas' and in slums
- reform laws that are unjust towards women

- encourage women's participation in society and administration at all levels, especially at the local level
- promote cooperation between the public and private sectors in women's development
- improve the State mechanism for women's development in regard to its efficiency
- encourage establishment of women's organisations at the local and provincial levels.

Quantitatively, the targets are as follows: by the end of the Plan;

a) reduce mother's death at delivery from the rate of 60:100,000 persons to 48:100,000 persons
b) reduce children's death at the age of under one year from the rate of 45:1,000 persons to 39:1,000 persons.
c) reduce the rate of malnutrition among children of between 0-4 years to 2 %
d) ensure that women give birth to babies not less than 3,000 grammes in weight from the rate of 48 % to 80 %
e) Raise the proportion of women who have been vaccinated against tetanus twice from 48 % to 80 %
f) Increase the immunity against BCG, DPT, OPV and measles among children of less than one year of age from the original rate per disease to an additional 10 %
g) Raise the rate of permanent family planning among men from 20 % to 25 %
h) Increase the rate of compulsory school attendance from 34 % to 50 %
i) Increase the proportion of women in agricultural training from 20 % to 40 %
j) Increase the proportion of women in decision-making positions in the civil service from .1 % to 5 %
l) Increase the proportion of women in village committees from 6.5 % to 10 %
m) Establish a permanent governmental organ to deal with women's development.

Collateral to the above, there have also been efforts to introduce indicators to help realise quantitatively the various goals attached to

women's development. These are known as 'Jor Por Tor' and they reflect primary criteria for measuring the satisfaction of women's basic needs. Out of some 32 indicators being utilised at present, the following are particularly concerned with women's development:

- sufficient nutrition for pregnant women, indicated by the fact that their newly born should not weigh less than 3,000 grammes
- care provided for pregnant women, indicated by the fact that they are immune from tetanus before delivery, that they are cared for 4 times before delivery, that they are assisted at the delivery stage, and that they are looked after by governmental officials or the equivalent for the period of 6 weeks after delivery
- spouses should not have more than 2 children and they should be able to choose for use more than one method of contraception.

There is further scope in future for indicators related to women's participation in government at all levels as well as to curb de facto and de jure aspects of discrimination.

Article 4

> 1. Adoption by any States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
> 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

No special temporary measures in favour of women have been adopted in recent years. This also applies to maternity. It is interesting to note that the current law on maternity leave is governed by an Announcement of the Ministry of Interior in 1972 which provides for paid leave for the

minimum of one month. If a pregnant women wishes to claim paid leave on account of maternity for a longer period, this depends upon how long she has worked for that employer. If she has worked for the latter for not less than 180 days, she has the option of claiming paid leave for up to another thirty days. One may question whether such period is long enough, but the present law does not provide for paid leave beyond the period mentioned.

Article 5

> States Parties shall take all appropriate measures:
> a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on sterotyped roles for men and women;
> b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

One of the most difficult obstacles against women's development is the socio-cultural framework which militates against equality of the sexes. This is based upon age-old prejudices which need to be overcome by continual efforts to change perceptions and prejudices against women.

One of the means of eradicating such discrimination is through education in the broadest sense of the word. Although there does not exist yet in the formal educational curriculum a course on 'women's studies' or 'family education' aimed at combating gender-based prejudices, numerous fora have been utilised recently to foster the role of women and the family with a view to raise consciousness about equality among the public. These include the following:

1. Seminar on Women in Slums (13 September 1984)
2. Seminar on the Role of Governmental Organisations and Women (23-24 May 1985)

3. Seminar on Administrators involved with Women's Development at the International Level (15 May 1985)
4. Seminar on Women's Development Plan (11-12 December 1985)
5. Training Seminar to promote the efficiency of non-governmental organisations (12-15 July 1986)
6. Seminar for women leaders in slum areas on the theme Ethics lead to Happiness' (17 May 1986)
7. Conference co-hosted with international organisations on the 'Women's Development Plan' (20 February 1986)
8. Seminar to promote the efficiency of women's organisations (12-15 July 1986)
9. Seminar for youth on the theme' Youth Development for Peace' (20-21 June 1986)
10. Seminar on 'Legal Measures to prevent Trafficking of Women and Children' (5 August 1986)
11. Seminar on 'Planning for Women's Development' (23-25 November 1986)
12. Seminar on 'Women's Development at the Village Level' (26-28 March 1987)

The seminars noted were organised mainly by the Thailand National Commission on Women's Affairs, in particular its National Committee for International Cooperation. The Community Development Department of the Ministry of Interior and the National Youth Bureau also initiated several of the seminars. Apart from the seminars mentioned, numerous meetings and conferences also took place during the same period organised by non-governmental organisations.

Despite consciousness-raising through these fora, much remains to be done in terms of putting principles to practice and eliminating de facto discrimination.

Article 6

States Parties shall take all appropriate measures including legislation to suppress all forms of traffic in women and exploitation of prostitution of women.

Prostitution is a serious problem in Thailand. Various laws exist on prostitution and there have been recent calls for reform to make them more effective. The four most prominent laws are:

- The Trafficking of Women and Girls Act 1928
- The Prostitution Suppression Act 1960
- The Penal Code 1956 as amended in 1982
- The Entertainment Places Act 1966

The first statute is lettre morte. However, there have been recent calls for its reform. Suffice it to note here that the statute is antiquated and too limited in scope. Basically, it prescribes against those who bring in or take out women and girls from the country. Light penalties may be imposed in this event, i.e. maximum of seven years' imprisonment and/or one thousand bahts' fine.

According to the second statute, prostitution is considered to be a crime and every party involved in the trade is criminally liable, except the customer. Prostitution is defined in legal terms as an act of 'promiscuously rendering sexual service for remuneration'. It also encompasses those who profiteer from the trade, such as pimps and brothel owners. However, penalties for violation are light, i.e. imprisonment of up to six months, a fine of up to 2,000 bahts, or both.

Under the Penal Code above, prostitution is covered by the Sections on sexual offences. Sections 282-285 are particularly relevant in this respect. Severe penalties may be imposed on procurers and profiteers, including the possibility of execution if they profit from minors.

Complementary to the above, the Entertainment Places Act was enacted 'to control the operations of certain kinds of entertainment places which affect the public order and morals'. In effect, it purports to prevent entertainment places from being used as brothels or similar settings. It also empowers the Director General of the Social Welfare Department to send any prostitute, upon completion of punishment, to a governmental rehabilitation centre to undergo medical treatment and occupational training for a period not exceeding one year.

The above laws are faced with serious application problems. Firstly, there is selective application of these laws-offences tend to be prosecuted under the Prostitution Suppression Act 1960 rather than the other laws. This implies that penalties are lighter. Secondly, frequently it is the so-called law-enforcers and concomitant vested

interests who profiteer from the trade. Thirdly, when there are arrests, they tend to be of the girls in the trade rather than the procurers.

There have been recent initiatives to reform these laws. At the governmental level, there is now a draft law to reform the 1960 Act so as to enable courts to impose stiffer sentences on procurers and brothel-owners. Moreover, the draft law proposes to empower courts to send prostitutes to reform institutions rather than to prison, thereby enabling a change of profession without the atmosphere of imprisonment created by the old law. A non-governmental forum has voiced a parallel need for reform of the 1928 statute so as to catch parents who sell their children into prostitution. Furthermore, it advocates the need to update the law by providing coverage for all persons rather than 'women' and 'girls' per se.

The trend is, therefore, towards modernising these laws. However, one should not under-estimate implementation problems despite law reform. Often, it is not the law that is at stake, but the practice.

Article 7

> States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular shall ensure to women on equal terms with men the right:
> a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
> b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at the level of government;
> c) to participate in non-governmental organisations and associations concerned with the public and political life of the country.

One may recall Thailand's reservation in respect of this Article as mentioned earlier. The difficulty facing women's participation in certain types of public office is evidenced by various selection processes which favour men, especially in uniform. This is particularly the case in relation to sub-district officers (Palad Amphoe); this profession is open

to men only at present.

In general terms, it can be said that until recently there was little participation by women in political and administrative positions at the local level because they were prohibited by law from doing so. The Local Administration Act of 1914 entitled only men to the position of village chief (Pou Yai Ban), a position holding local reins of power and vested with opportunities for higher positions such as sub-district chief (Kamnan). The situation has been rectified by the Local Administration Act (No. 6) of 1982 which enables women to be elected to such positions. However, this aspect of law reform does not touch 'public offices', in particular the position of sub-district officer which is part of the governmental administrative mechanism.

At the highest political level of Parliament, when the first elections were held in 1933 after promulgation of the first Constitution in 1932, there were no women Members of Parliament. It was only in 1949 that the first woman member of Parliament was elected. Latest figures (1986) show that there are only 12 women Members of Parliament as opposed to 335 male Members of Parliament, while there are no women cabinet Ministers at present. In the upper House of Parliament, which is unelected, out of 260 senators there are 255 men and 5 women. Table 1 below illustrates the low level of participation on the part of men in elections during the past decade:

TABLE 1: Participation in Elections during 1976-1986

Year	Candidates not elected as Members of Parliament		Candidates elected as Members of Parliament	
	Male	Female	Male	Female
1976	1,829	48	251	7
1979	1,276	34	293	9
1983	1,515	54	311	13
1986	3,116	350	335	12

Source: Ministry of Interior

On another front, it is interesting to note that many non-governmental organisations in Thailand in relation to women's development and other matters have been established by women and are often run by women administrators. However, it must be admitted that if one examines administrative and executive positions in total, there is a predominance of men in these positions, even though the male and female populations in the active labour force are similar in numbers as shown in Table 2. This imbalance suggests that although numerically women contribute to the work force as much as men, mutatis mutandis, they have little 'say' in the administrative and executive positions that may promote women's welfare at the policy level.

TABLE 2 : Administrative Executive and Managerial Workers
(in thousands and percentage of total category)

	Whole Kingdom	Bangkok Metropolis	Up-country
Municipal Areas			
Total	251.4	162.1	89.3
Males	191.0(75.97)	118.6(73.16)	72.4(81.08)
Females	60.4(24.03)	43.5(26.84)	16.9(18.92)
Non-Municipal Areas			
Total	155.1	13.5	141.6
Males	135.1(87.11)	10.9(80.74)	124.2(87.71)
Females	20.0(12.89)	2.5(18.52)	17.5(12.36)
All Areas			
Total	406.5	175.6	230.9
Males	326.1(80.22)	129.5(73.75)	196.6(85.15)
Females	80.4(19.78)	46.0(26.2)	34.4(14.90)

Source: Report of Labour Force Survey Round 2. July-September 1982 National Statistical Office

Article 8

States Parties shall take all appropriate measures to ensure to women on equal terms to men and without any discrimination the opportunity to represent their Governments at international level and to participate in the work of international organisations.

There is no legislation limiting women's participation at the international level and in the work of international organisations. There are, for example, numerous Thai women working in the Ministry of Foreign Affairs, some with ambassadorial rank at the international level. There are also several Thai women working in international organisations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of her husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The first paragraph of this Article is well recognised in Thai law, as men and women have equal rights to acquire, change or retain Thai nationality. However, it must be admitted that it is easier for a foreign woman who marries a Thai man to acquire Thai nationality than the reverse, i.e. a foreign man who marries a Thai woman. En passant, it may be noted that Thai law does not permit dual nationality.

With reference to the second paragraph, Thailand has entered a reservation, thereby excluding its application in Thailand for the present. It may be added that before 1972, a Thai woman who married an alien could automatically transmit her Thai nationality to her children provided that they were born within Thai territory, born out of wedlock or the father of the children was stateless. However, partly due to fears of illegal immigrants and refugees, an Executive Decree of 1972

(No. 337) has abrogated this right to transmit such nationality where a Thai woman marries an illegal alien or a person given temporary permission to reside in Thailand. In such cases, the children have no right to Thai nationality. However, if it were a question of Thai men marrying illegal aliens or having children by them, the children would obtain Thai nationality.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure on a basis of equality of men and women :

a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education as well as in all types of vocational training;

b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and premises and equipment of the same quality;

c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and in particular by the revision of textbooks and school programmes and the adaptation of teaching methods;

d) The same opportunities to benefit from scholarships and other study grants;

e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing at the earliest possible time any gap in education existing between men and women;

f) The reduction of female student dropout rates and the organisation of programmes for girls and women who have left school prematurely;

g) The same opportunities to participate actively in sports and physical activities;

h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Under Section 35 of the present Constitution of 1978, the right to education is guaranteed for all, and there is compulsory six years' education. However, it may be observed that at the time of accession to the above Convention, Thailand entered a reservation with reference to Article 10 which stipulates several provisions concerning the right to education and educational opportunities.

Factually, it is interesting to note the following. There are more male students than female students at the primary level, as shown in Table 3.

TABLE 3 : Number and percentages of primary school students (6-14 years of age) by sex. Thailand 1982*

Sex	School-age Population	Primary school Students	Percentage
M	5,923,752	3,836,189	64.76
F	5,698,283	3,577,382	62.78
Total	11,622,035	7,413,572	63.79

Source: Ministry of Education

At the secondary level, the same pattern is visible, as shown in Table 4 and its indication that there are more male students than female students. However, Table 5 illustrates the encouraging fact that there are more female graduates than male graduates at the tertiary level.

TABLE 4 : Number of Students in Secondary (Matayomsuksa) Education 1984

Grade 1		Grade 2		Grade 3		Grade 4		Grade 5		Grade 6		Total at end of Grade 6	Cumulative Total
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
228281	188545	192150	158619	179054	150199	91384	90701	81392	83245	70832	72460	490,014	1,586,862

*Source: Ministry of Education

TABLE 5 : Number of graduate students from government universities in 1984

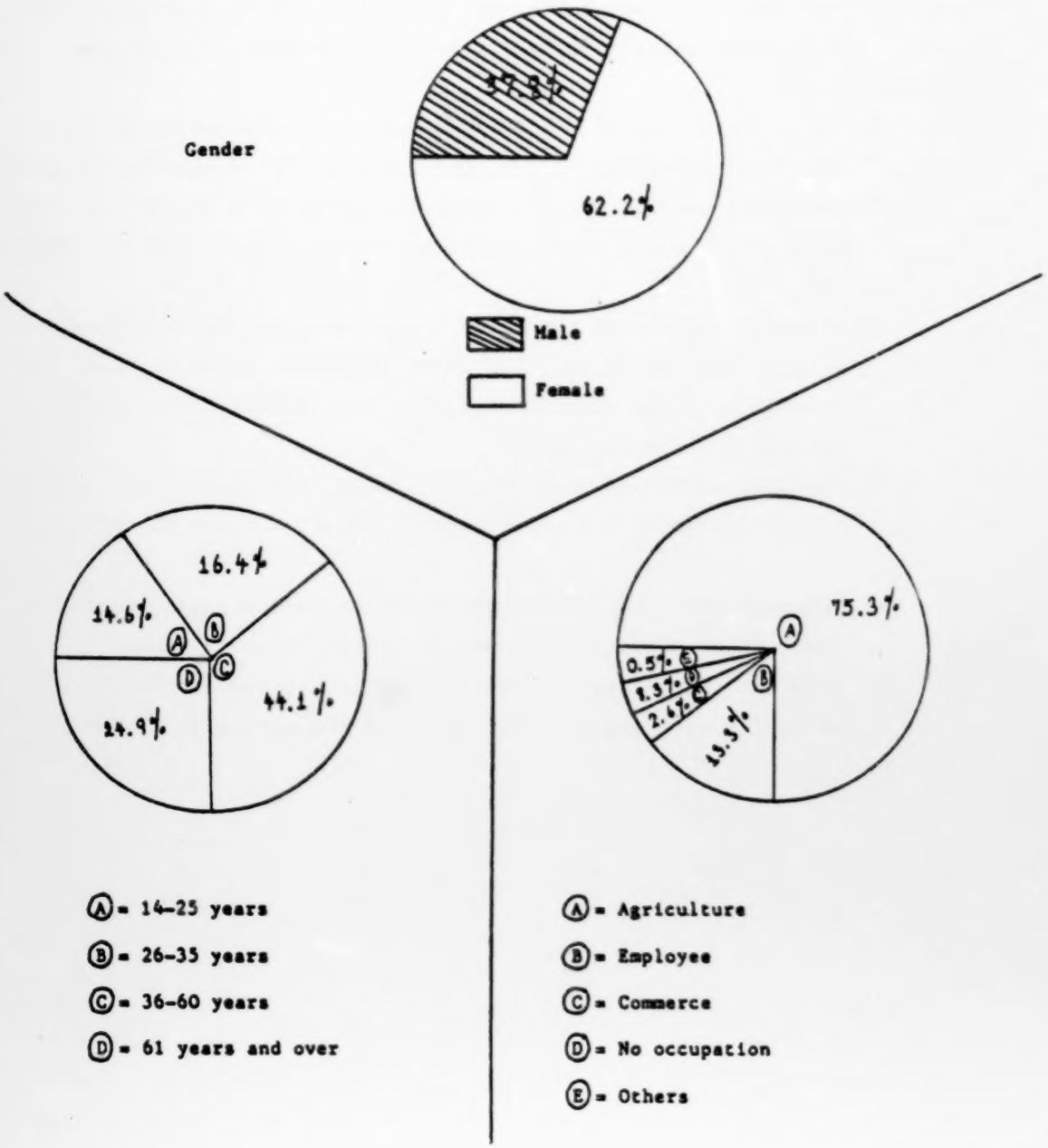
Certificate		Bachelor Degrees		Diploma		Master Degrees		Doctorate Degrees		Total		Total graduate Students
Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
1,019	192	26,421	27,909	351	172	1,106	1,802	8	11	28,905	30,086	58,991

*Source: Ministry of University Affairs 1984 (Tabulated by the writer)

Nevertheless, the statistics at the tertiary level which indicate higher ratio of women graduates are deceptive in that they obscure the fact that there are more illiterate women than men generally. This is evident from Figure 1. Further obstacles to equality between the sexes include the following traits:

a) There are still discriminatory attitudes on education and child nurturing whereby men are accorded a superior image.
b) Textbooks used in syllabi still emphasise a difference of roles between girls and boys, the former being projected as the weaker sex.
c) Vocational training conducted by the governmental and non-governmental sectors in many instances emphasise domestic roles for women, e.g. home economics, rather than skills improvement, e.g. agricultural technology.
d) The mass media has sometimes encouraged the traditional, passive role of women in its projection of women as a sexual object in beauty contests.
e) Although laws guarantee women's access to education, there are fewer opportunities for women in the educational field.
f) Women in the industrial sector tend to see the importance of education more readily than women in the agricultural sector.

Figures Showing Groups of Illiterary by Gender, Age and Occupation



Source; Department of Non-Formal Education, Statistics for Non-Formal Education 1983, Ministry of Education, 1984, p. 39

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure on a basis of equality of men and women the same rights, in particular:
a) The right to work as an inalienable right of all human beings;
b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
f) The right to protection of health and to safety in working conditions, including the safeguarding of the right to reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
b) To introduce Maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
d) To provide special protection for women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Perhaps the first observation to be made concerning this Article is that Thailand has entered a reservation to Article 11 (1)(b) concerning employment opportunities. This attests to the sensitive nature of equal opportunities for men and women in regard to employment.

As regards the rest of the above provisions, in principle they are adhered to in Thailand, but the practice may be more nebulous. As a starting point, Table 6 provides a glimpse at the number of men and women in and out of the labour force; even though, as indicated earlier, the general population of men is almost the same as that of women, there are more men than women in the labour force. However, the heading 'person not in labour force' is itself deceptive, as it may well be that the women in this category are extremely active in maintaining their livelihood, if not more active their male counterparts, especially if one combines agricultural activities and domestic chores.

TABLE 6 : Utilization of Labour of Population in Whole Kingdom 1984

Utilization of Labour	Total	Male	Female
Total Population	50,233,500	25,250,700	24,982,800
Under 11 years	14,090,400	7,192,700	6,897,700
Person in Labour Force	26,472,700	14,176,200	12,296,500
- Adequately Utilized	21,476,600	11,889,400	9,587,200
- Inadequately Utilized	3,178,000	1,182,000	1,996,000
Person not in labour Force	9,670,200	3,881,700	5,788,500
- Work Around House	2,087,700	86,400	2,001,300
- Student	5,114,600	2,741,400	2,373,200
- Waiting for Agricultural Season	1,817,700	501,900	1,315,800
- Others	471,800	231,900	239,900

Source: Report of Labour Force Survey Round 2 May 1984
National Statistical Office

Particular problems pertaining to women in different sectors may be discerned as follows:

Women in agriculture:

a) Men have more opportunities than women to use machinery.
b) Men tend to have permanent jobs while employment of women is piecemeal by nature.
c) Women work more hours than men due to the combined workload of agricultural and household work.
d) Women have insufficient income.
e) Women's income is inconsistent.
f) Women have fewer opportunities to take up employment, especially after the rice-farming season.
g) Women have fewer opportunities for training and participation.

Women in industry:

a) Women suffer from a low level of education.
b) Women are subject to lower wages and discriminatory practices concerning wages. Discrimination may affect, in particular, pregnant women and their social security.
c) Fewer opportunities for promotion are available to women than to men.
d) Women have health problems from working in factories.
e) For women, there is often too brisk a transition from agriculture to the industrial sector with no adequate preparation in knowledge and skills appropriate to the employment situation.
f) Women are affected by the lack of job security.
g) There is weak trade unionism and organisation on the part of women.

Women in services

a) There is widespraed prostitution.
b) There are appendant health problems and the danger of venereal diseases and AIDS.
c) Women in this category often suffer from lack of education.
d) Such women are also hampered by lack of alternative employment opportunities.
e) Those who profiteer from these women have not been effectively dealt with by the law.

Some of the measures to tackle these problems as stipulated by current national development planning have already been mentioned as a commentary to Article 3 of the Convention above, e.g. the Twenty Year Women's Development Plan and the Sixth National Economic and Social Development Plan. As for the main law on this subject, much depends upon a Ministry of Interior Announcement pursuant to Revolutionary Announcement No. 103 in 1972. This prohibits women from being employed to work in dangerous conditions, e.g. underground mining, carrying of heavy load, and night-work. For maternity leave, it provides for paid leave for the minimum of one month. If a pregnant woman wishes to claim paid leave for a longer period, this depends upon how long she has worked for that employer. If she has worked for the latter for not less than 180 days, she may claim paid leave for up to another thirty days.

However, it may be admitted that in practice, there are no complete safeguards against abuses of the benevolent labour law provisions noted above.

Article 12

> 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure on a basis of equality of men and women access to health care services including those relating to family planning.
> 2. Notwithstanding the provisions of paragraph 1 of this Article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary as well as adequate nutrition during pregnancy and lactation.

There is no National Health System in Thailand akin to that found in some Western countries. However, there are some free medical facilities provided to the poor. Moreover, there is no discrimination between men and women in principle. In practice, this may not always be the case, especially in regard to family planning. In this respect, there is still a tendency to regard family planning as the task of the wife in terms of use of contraceptives. This perception should be changed to ensure that all participate in family planning regardless of gender.

Currently, the Ministry of Health is implementing its Sixth Health Plan 1987-1991. Special emphasis is placed upon health care as a basic minimum need linked with education, training, research and technology development. Future policies are based upon four tenets:

- primary health care
- policy development, organisation-building and coordination
- infrastructural development for health care
- alternative resources for health care and appropriate technology

The first policy carries further the provision of health care as a basic minimum need with a set of indicators for evaluation. It is linked with the training of women's groups such as housewives' groups. The second policy emphasises improvements in relation to organisations dealing with health care and coordination between existing and future institutions. The third policy is aimed at developing medical services such as 'Extended OPD' and increase in personnel and facilities. The fourth policy is directed at other facilities, such as provision of medical cards; special concessions to poor people; more research on health care; improvement of health laws; and use of appropriate technology in conjunction with traditional and new medicines.

Article 13

> States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure on a basis of equality of men and women the same rights, in particular:
> a) the right to family benefits;
> b) the right to bank loans, mortgages and other forms of financial credit;
> c) the right to participate in recreational activities, sports and all aspects of cultural life.

There is no discrimination between men and women in relation to the above. However, it may be noted that social security, as provided by the State including family benefits, is only nascent in Thailand. Although there is still no social security as offered by the State in a comprehensive fashion, the family nexus acts as a traditional form of social security.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which women play in the economic survival of their families, including their work in the non-monetarised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
a) To participate in the elaboration and implementation of development planning at all levels;
b) To have access to adequate health care facilities, including information, counselling and services in family planning;
c) To benefit directly from social security programmes;
d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
f) To participate in all community activities;
g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The emphasis of this Article on rural women is noble in intention, but difficult to realise. As seen in Table 7, the greater part of the Thai population live in rural areas and are engaged mainly in agricultural professions, such as farming. It is thus a fact that Thailand is primarily an agricultural country, although it is moving towards the status of a newly industrialised country.

TABLE 7 : ESTIMATES OF EMPLOYED PERSONS BY OCCUPATION, 1985-1986

Occupation	Year 1985		Year 1986	
	Total	Percent	Total	Percent
Total	22,893,677	100.0	21,473,000	100.0
Professional, Technical And Related Workers	938,641	4.1	1,009,000	4.7
Administrative, Executive And Managerial Workers	480,767	2.1	429,000	2.0
Clerical Workers	457,874	2.0	573,000	2.5
Sales Workers	2,083,325	9.1	2,083,000	9.7
Farmers, Fishermen, Hunters, Miners, Quarrymen And Related Workers	14,926,677	65.2	12,369,000	57.6
Workers in Transport And Communication	503,660	2.2	687,000	3.2
Craftmen, Production-Process Workers And Labourers	2,770,135	12.1	3,328,000	15.5
Service,Sports And Recreation Workers	732,598	3.2	1,031,000	4.8

Source : Labour Research Branch, Labour Studies And Planning Division, Department of Labour.

In order to tackle the pressing problems of rural development, such as lack of water, nutrition, electricity, water, poor health and shelter, various development plans have been adopted in Thailand to promote rural development. The latest is the Sixth National Economic and Social Development Plan (1987-91) as discussed earlier in relation to Article 5 of the Convention. This plan hopes to stimulate more initiatives, including financial contributions for rural areas, and these would thus be of benefit to women as well. Currently, three kinds of development areas have been designated, i.e. 'backward rural areas', 'moderately developed rural areas' and 'advanced rural areas'. The Government's role is to help develop the first two areas, while the private sector has been called upon to contribute to the last category. En passant, it is interesting to note that the degree of governmental contribution depends upon how local needs are assessed in accordance with basic minimum needs indicators, as mentioned earlier. There are some 32 indicators, setting standards for development. If a village falls short of such standards, it may apply for development funding from a government sponsored' Village Development Fund' in order to raise the village standards to those stipulated by the basic minimum needs indicators. One may recall the following indicators which are germance to women's development in rural areas:

- sufficient nutrition for pregnant women, indicated by the fact that their newly born should not weigh less than 3,000 grammes
- care provided for pregnant women, indicated by the fact that they are immune from tetanus before delivery, that they are cared for 4 times before delivery, that they are assisted at the delivery stage, and that they are looked after by governmental officials or the equivalent for the period of 6 weeks after delivery
- spouses should not have more than 2 children and they should be able to choose for use more than one method of contraception.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In

particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose the residence and domicile.

At present, Thai law favours the non-discriminatory tone of this Article. However, at the time of accession to the Convention, Thailand entered a reservation to clause 3 of the above.

The past ten years have witnessed great improvements concerning women's rights over matrimonial property. Before 1976, it was the husband who administered matrimonial property and thus all contracts concerning such property needed his consent. Due to certain reforms in 1976 which changed this situation, all contracts concerning matrimonial property now require the consent of both the husband and the wife, rather than that of the husband alone. This reform of 1976 is not retro-active.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure on a basis of equality of men and women:
a) The same right to enter into marriage;
b) The same right freely to choose a spouse and to enter into marriage only with their free full consent;
c) The same rights and responsibilities during marriage and at its dissolution;
d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all these cases the interests of the children shall be paramount;

> e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to exercise these rights;
> f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
> g) The same personal rights as husband and wife including the right to choose a family name, a profession and an occupation;
> h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property whether free of charge or for a valuable consideration.
> 2. The betrothal and marriage of a child shall have no legal effect and all necessary action including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.

Thailand has entered a reservation to this Article and is thus not bound by its contents.

However, the following anomalies remain, which may need further thought in future.

a) There is still inequality concerning engagement matters. By Section 1445 and 1446 of the Civil and Commercial Code, a man is allowed to claim compensation from any man who has had sexual intercourse with a woman betrothed by him. Yet, conversely, there is no provision for a woman to claim compensation from a person who has had sexual intercourse with her fiance.

b) There is still inequality concerning grounds for divorce. Under Section 1516 of the Civil and Commercial Code, a man may claim divorce on the ground of his wife's adultery. The reverse is not necessarily so. For a woman to claim divorce, it does not suffice to claim the husband's adultery. She must also prove that ' the husband has given maintenance to or honoured such other woman as his wife '.

c) Although bigamy is no longer recognised by law, bigamy as such is not a criminal offence. Registration of several marriages by the same man sometimes takes place with impunity. The only offence for which the man may be prosecuted in this respect in perjury to the marriage registration officer, but this is rare in practice. As bigamy tends to be more commonplace among men, the disadvantages for women are self-explanatory.

d) Where a divorce has taken place, the burden is usually heavier upon the wife in relation to maintenance. She has little guarantee for payment of maintenance by the husband. If the husband is a civil servant, she has no means of confiscating his salary as Section 286 of the Civil Procedural Code prohibits such confiscation.

e) It is still law that a woman who gets married must change her name to that of her husband. This is prescribed by the Names Act 1982. It must thus be wondered whether this restricts freedom of choice which is part and parcel of non-discrimination.

These examples illustrate the rationale for Thailand's reservations to the Convention and pinpoint the fact that the Convention is merely the starting point for elimination of discrimination against women. With or without reservations, the local spectrum should not ultimately ignore the basic truths underlying the concept of non-discrimination as propounded at the international level.